

Application No. 09/856,683
Docket No. 0101-P01789US1

Art Unit: 3737
Examiner: Mantis Mercader, E.

REMARKS

Claims 1-110 are pending in the application, of which claims 1-110 stand rejected.

PREVIOUSLY SUBMITTED IDS's

Applicants acknowledge with appreciation receipt of the signed form 1449 from the Information Disclosure Statement of February 3, 2003. However, Applicants respectfully point out that the Examiner inadvertently failed to initial Japanese patent 6113374 even though all other references were initialed and the sheet was signed. Applicants are enclosing a copy of the signed 1449 and a duplicate copy of Japanese patent 6113374. Applicants respectfully request that the Examiner initial such reference on the 1449.

In addition, Applicants respectfully point out that they have not received a signed copy of the 1449 received by the United States Patent and Trademark Office November 19, 2003. Applicants are including herewith a courtesy copy of the originally submitted 1449 and a duplicate copy of the single reference cited thereon. Applicants respectfully request that the Examiner consider such reference to return a signed an initialed copy of the November 19, 2003 1449.

REJECTIONS UNDER 35 U.S.C. 101

Claim 13 stands rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of prior US Patent No. 5,920,319. To Examiner states that "[t]hese claims are identical in the scope of the claimed invention." Applicants respectfully disagree for at least the following reasons. For example, step (b) of claim 13 recites "segmenting a region of interest...", and step (b) of claim 1 recites "creating an isosurface of a selected region of interest...". "Segmenting a region of interest" is not synonymous in scope in all respects with "creating an isosurface". Thus, claim 13 of the instant application is not identical in scope to claim 1 of US 5,920,319. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 13.

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OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 1, 16, and 18 stand variously rejected under the judicially created doctrine of obviousness-type double patenting in view of US patents 6,246,784, 6,083,162, 6,694,163, and 5,782,762. In response, a terminal disclaimer is submitted herewith. Accordingly, the rejection is overcome, and Applicants respectfully request that the rejection be withdrawn.

Claim 13 stands *provisionally* rejected under the judicially created doctrine of obviousness-type double patenting in view of copending application number 10/109,547. In view of the comments made above and the terminal disclaimer enclosed herewith, Applicants believe the application is now in condition for allowance. Therefore, Applicants respectfully submit that the provisional double patenting rejection should be withdrawn and the case allowed to issue.

In view of the foregoing amendments and remarks, it is believed that the claims in this application are now in condition for allowance. Early and favorable reconsideration is respectfully requested. The Examiner is invited to telephone the undersigned in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,



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